

## EXHIBIT 18

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL : MDL No. 2804  
PRESCRIPTION OPIATE :  
LITIGATION : Case No. 17-md-2804  
:  
APPLIES TO ALL CASES : Hon. Dan A. Polster  
:  
:

HIGHLY CONFIDENTIAL

SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

- - - -

JANUARY 25, 2019

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VIDEOTAPED DEPOSITION OF ROBERT A. MCCLUNE,  
taken pursuant to notice, was held at Marcus &  
Shapira, One Oxford Center, 35th Floor, Pittsburgh,  
Pennsylvania 15219, by and before Ann Medis,  
Registered Professional Reporter and Notary Public in  
and for the Commonwealth of Pennsylvania, on Friday,  
January 25, 2019, commencing at 9:11 a.m.

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1     this, but this exhibit that we're looking at right  
2     now, Exhibit 5, in terms of its content, does it  
3     describe, at least in part, part of what Giant  
4     Eagle was doing at some point in time in an  
5     attempt to meet obligations it believed it had  
6     under the 21 CFR 1301.74(b)?

7             MR. KOBRIN: Object to form.

8             THE WITNESS: In my nonlegal opinion,  
9     this would be one of the aspects we used in order  
10    to maintain compliance.

11    BY MR. BARTON:

12            Q. And this aspect described in here, the  
13    first sentence of the second paragraph, let's look  
14    at that. "Giant Eagle has created monthly  
15    ordering threshold levels for products based on  
16    GPI level reporting for controlled substances."

17            Did I read that correctly?

18            A. Yes.

19            Q. First of all, what is GPI level?

20            A. GPI stands for generic product  
21    indicator. The level would be at which the  
22    product is that level. It's organized by GPI and  
23    not another level.

24            Q. I guess I need to ask a little bit more  
25    about that just to understand it.

1           GPI level, how would GPI level help Giant  
2 Eagle -- would the GPI level be used to help  
3 create the threshold levels against which it was  
4 comparing monthly ordering?

5           A.    Yes.   Reviewing and analyzing at the GPI  
6 level rather than the NDC level is the more  
7 accurate way to look at any analytics regarding  
8 any medication, for that matter.

9           Q.    How so?  Like what's the difference  
10 between the GPI level and the NDC level?

11           A.    Under a single 14-digit GPI, you'll --  
12 you could have one brand NDC, which stands for  
13 National Drug Code, and many generic NDCs that all  
14 are therapeutically equivalent in nature.

15           Again, preface this I'm not a clinician, so  
16 that may be subject to interpretation.

17           Q.    Who assigns the GPI level to a given  
18 medication?

19           MR. KOBRIN:  Object to form.

20           THE WITNESS:  I don't know the answer to  
21 that question.

22 BY MR. BARTON:

23           Q.    All I'm trying to understand -- I don't  
24 think there's anything nefarious in it.  I'm just  
25 trying to understand what it is.

1 A. GPI is issued by Medi-Span.

2 Q. And who is that?

3 A. It's a subsidiary of Wolters Kluwer.

4 It's a data provider for the pharmaceutical  
5 industry cataloging.

6 Q. Got it. So GPI level is just a way to  
7 try to identify or capture a certain class or  
8 category of related products; is that fair?

9 A. That's a fair assessment, yes.

10 Q. And the reason it's better than NDC  
11 level is NDC level -- if you were just trying to  
12 count by NDC level, you might miss some generics  
13 that are presumed to be therapeutically equivalent  
14 and may be prescribed for the same reason as the  
15 brand NDC level; right?

16 MR. KOBRIN: Object to form.

17 THE WITNESS: Again, not a clinician,  
18 but yes.

19 BY MR. BARTON:

20 Q. I think I'm following now. So GPI level  
21 is better because it's hopefully more inclusive  
22 than NDC level; right?

23 A. Yes.

24 Q. So the first sentence then, "Giant Eagle  
25 has created monthly ordering threshold levels for

1 products based on GPI level reported for  
2 controlled substances," is that a statement that  
3 you think accurately reflects something that Giant  
4 Eagle did at some point in time?

5 A. Again, I don't know if this document was  
6 in draft form, final, or what the context was.  
7 But yes.

8 Q. And were you personally involved -- is  
9 one of the things you did personally was  
10 contribute to that creation of the monthly  
11 ordering threshold levels for products?

12 A. Yes, myself or my team.

13 Q. And is that part of the programming  
14 project that occurred that led to the generation  
15 of the daily threshold reports?

16 A. Again, this document was dated  
17 11/16/2014. We know that the threshold, daily  
18 threshold reports started in 2013 based on our  
19 earlier review.

20 So this statement would refer to that or some  
21 subsequent work associated to that analytics and  
22 reporting.

23 Q. Yeah. Absolutely fair enough. And I'm  
24 not trying to suggest that it only happened in  
25 November of 2014. I'm actually not concerned --

1 the store to the company average, you're not  
2 comparing that store to itself; right?

3 A. Correct.

4 Q. So, for example, if you had a small  
5 store relative to the company average -- and there  
6 were such stores, I assume, in the Giant Eagle  
7 system; right?

8 MR. KOBRIN: Object to form.

9 THE WITNESS: I'd have to see the data,  
10 but you're going to have some high-performing and  
11 lower-performing stores.

12 BY MR. BARTON:

13 Q. So if you had a smaller store relative  
14 to company average, then always comparing that  
15 store's orders to the company average might never  
16 reveal a pattern occurring within that store's  
17 orders that might deviate or change, but never  
18 reach the threshold.

19 That could happen; right?

20 MR. KOBRIN: Object to form.

21 THE WITNESS: There are still other  
22 processes in place that would catch those  
23 abnormalities. This check was just an additional  
24 redundant check.

25